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Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption
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Proposals and contributions received from Governments

Tunisia: proposals concerning the content of the draft comprehensive convention against corruption

1. There is a need to develop a definition for bribery (both active and passive acts committed by the briber and the person being bribed), as well as those involved (such as public officials and private persons) and proceeds derived from bribery (such as funds or donations).

2. Tunisia calls for the utilization of the content of existing relevant conventions, in particular the United Nations Convention against Transnational Organized Crime, signed at the High-Level Political Signing Conference, held in Palermo, Italy, from 12 to 15 December 2000, while avoiding both duplication and inconsistency or nonconformity between the provisions and mechanisms established by that Convention and the current draft convention.

3. Emphasis should be placed on promoting preventive measures among States, in particular those in need of capacity-building in this area. Such measures should deal with the following issues in particular:

(a) Promoting a sense of integrity among public officials and those involved, including individuals and institutions playing a regulatory role in that connection, and enhancing their reporting duties and capabilities;

(b) Urging States to enhance the financial and social status of public servants;

(c) Urging States to develop mechanisms for regulating the management of public funds and for introducing rules guaranteeing transparency in public transactions, both local and international;

(d) Urging States to review their domestic laws, including penal codes, to ensure that they reflect the gravity of the corruption phenomenon and its impact on development, and to introduce deterrent penal, civil, administrative and economic sanctions;

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(e) The acceptance of new types of evidence, such as electronic records, and the provision of the necessary means to protect "whistle-blowers" and witnesses.

4. The convention should urge States to promote international cooperation in judicial matters, especially in connection with extradition even in the absence of bilateral agreements, in the introduction of inspections and the confiscation of funds derived from acts of corruption, as well as the undertaking of criminal detection research and assisting the States concerned in prosecuting and penalizing such acts, and in improving the exchange of information and expertise in the work of competent authorities engaged in combating bribery crimes, while maintaining an appropriate level of independence and due sense of initiative.

5. The convention should cover the development of a rehabilitation programme for States suffering from the phenomenon of corruption that lack the necessary capacity for its control, detection and deterrence and urge the United Nations and other international organizations, especially financial institutions, to assist those States in overcoming poverty, which is a factor underlying the phenomenon, as well as to increase technical assistance, set up advisory projects and draft model laws.